

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

ROBERT DALE HARRIS,

Plaintiff,

v.

Case No: 2:18-cv-17-FtM-29MRM

KEVIN RAMBOSK, in his
official capacity as Sheriff
of Collier County, Florida,
KASEY P. WINGO,
individually, MICHAEL D.
CHAPMAN, individually, SCOTT
PEPIN, individually, and
ROSS ANTHONY, individually,

Defendants.

ORDER

This matter comes before the Court on defendant Kasey P. Wingo's Unopposed Motion to Stay Proceedings Pending Appeal (Doc. #177) filed on November 6, 2019. On November 5, 2019, the Court granted in part and denied in part (Docs. ##173, 174, 175) the motions for summary judgment filed by defendants Kasey P. Wingo (Defendant Wingo), Michael D. Chapman (Defendant Chapman), and Scott Pepin (Defendant Pepin). On November 6, 2019, the Court granted (Doc. #183) defendant Kevin Rambosk's motion for summary judgment. There are no remaining claims asserted against defendant Kevin Rambosk.

On November 6, 2019, Defendant Wingo filed a Notice of Appeal (Doc. #176) and seeks to appeal the Court's Opinion and Order (Doc.

#173) denying in part Defendant Wingo's request for summary judgment on the basis of qualified immunity. Defendant Wingo filed the instant Unopposed Motion to Stay Proceedings Pending Appeal on November 6, 2019. (Doc. #177.) Defendant seeks to continue the trial scheduled for November 12, 2019 and to stay all proceedings in this case, pending the resolution of his appeal. Defendants Chapman and Pepin have filed notices of joinder in and adoption of Defendant Wingo's motion to stay. (Docs. ##181, 185.)

Defendant Wingo's unopposed request is granted. The Court will therefore cancel the current deadlines, and stay the case pending resolution of Defendant Wingo's appeal. The Court also denies the pending motions in limine (Docs. ##144, 145, 147, 148, 150) without prejudice to refiling after the resolution of Defendant Wingo's appeal.

Accordingly, it is hereby

ORDERED:

1. Defendant Kasey P. Wingo's Unopposed Motion to Stay Proceedings Pending Appeal (Doc. #177) is **GRANTED**. The trial term is cancelled and the case is stayed pending further Order of the Court.

2. Defendant Scott Pepin's Motion in Limine (Doc. #144) is **DENIED WITHOUT PREJUDICE**.

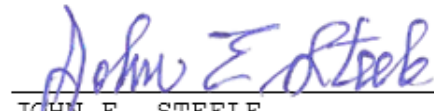
3. Defendant Michael D. Chapman's Motion in Limine (Doc. #145) is **DENIED WITHOUT PREJUDICE**.

4. Plaintiff's Motion in Limine (Doc. #147) is **DENIED WITHOUT PREJUDICE.**

5. Plaintiff's Motion in Limine (Doc. #148) is **DENIED WITHOUT PREJUDICE.**

6. Defendant Kasey P. Wingo's Motion in Limine (Doc. #150) is **DENIED WITHOUT PREJUDICE.**

DONE and ORDERED at Fort Myers, Florida, this 7th day of November, 2019.



JOHN E. STEELE
SENIOR UNITED STATES DISTRICT JUDGE

Copies:
Counsel of Record